



MINUTES
JUNE 18, 2008

Chairman Finaldi read the legal notice. Dainius Virbickas PE, Artel Engineering Group said he is representing the applicant, Susan Quimby in this request for a change of use. This parcel is located next to the WCSU parking garage on the south side of White St. The building also houses MARS Electric. They are proposing to add nine parking spaces and parking islands in the gravel area which is currently being used for parking as well as crosswalks for pedestrian access. There is a speed bump as you enter into site. The hours of operation for this use would be 7:30 AM to 5:30 PM. MARS is out on the road by 7:30 AM and returns between a 3:30 – 7:30 PM spread. There is municipal water and sewer available. There were some changes requested by the Fire Marshal, Building and Planning Depts. but a revise site plan was submitted yesterday to address them. Ms. Hoffstaetter asked the capacity of the day care center. Mr. Virbickas said up to 100 students with 13 staff members. Mr. Manuel questioned that people would have to go all the way into the site when they were dropping off children. Mr. Virbickas explained that they have to park and bring the children into the building and there is adequate space to back out of the space and pull out. Mrs. Emminger said we had been waiting for a determination as to whether this needed to go before EIC and this morning it was decided that this did not.

[illegible]

7:50 PM – 132 Federal Rd. LLC – Application for Special Exception to allow Office/Retail Use ("Party Depot") generating in excess of 500 vehicle trips per day – 132 Federal Rd. (#L07043) – SE #673.

Chairman Finaldi read the legal notice. Mike Mazzucco, PE said this is the former site of Wallin Pool, located on the west side of Federal Rd. The applicants are John & Cindy Girolametti, who operate Party Depot in both Danbury and Ridgefield. The front of this parcel has a strip that used to belong to the State but now is part of this property. They have received variances to eliminate the landscape strip and permit parking in front yard in conjunction with this proposal. The additional property and the variances allow for the parking to be pulled back from where it was previously, and they also are proposing a second story parking garage in the back of the building. The entire first floor of the building is to be used for Party Depot with the third floor being devoted to storage. He showed a photo (**Exhibit A**) of the architectural design for the South St. location which is being remodeled and said this building will look the same. He said the site is served by City sewer with an existing well onsite, because City water is not available. They will be installing a water storage tank to service the sprinkler system which the Fire Marshal has requested. They have received EIC approval because of the proximity to the Still River. He then showed a photo of Wallin Pool (**Exhibit B**) and said the retail use makes this a special exception because of trip generation. It is a specialized retail use that is conducive to the area. This application was in before and then it was decided that it would be a special exception, so they have had some Engineering comments already. Mrs. Emminger said the Traffic Engineer's comments came in today but we do not have a sign off from Traffic Authority so she cannot release them. Mr. Mazzucco said he will meet with the Fire Marshal to discuss her concerns. Chairman Finaldi asked what is going on there, since there is heavy equipment on site. Mr. Mazzucco said a grading permit has been issued and applicant is trying to take care of getting rock out of there. He added that the ZEO has let them work only on the rock right now, once site plan approval is granted, they will demolish the building.

Alan Mess, PE, traffic engineer from Milone & MacBroom/Barkan & Mess Assoc., said they had decided it was better to do the traffic impact study than try to speculate on it. He said he looked at the same kind of business which is located in Brookfield. Their hours of operation have them open past the hours of commuter traffic in the evenings. Saturday is the peak day for this type of business. He said there also were concerns about the two driveways and proximity to the traffic signal by Stew Leonard's. Mr. Mess said at no time during his observation of the other business did he see more than eight vehicles. He said they also looked at the Home Depot study done in 2005 and noted that the counts were higher on the weekends. So they decided to use the Saturday counts because they were still higher. He said the pool store generated more traffic than this use and that was everyday, not just Saturdays. He said regarding the accident information provided in his report, some of them were attributed to being near un-signalized driveways. Mrs. Emminger said Mr. Mohammed's report agreed with Mr. Mess's traffic numbers as well as the proposal to restrict turns from one of the driveways.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

Mr. Manuel made a motion to continue the public hearing. Mr. Urice seconded the motion and it was passed unanimously.

Sugar Hollow Road Assoc. LLC – Application for Special Exception to allow uses (Retail, Restaurants & Drive-thru Bank) generating in excess of 500 vehicle trips per day in the CG-20 Zone, “The Shops at Marcus Dairy”, 3 Sugar Hollow Rd. (#G17002 & #G17019) – SE #663. *Public hearing opened 5/7/08. First days were up 6/10/08 – extension granted to 7/14/08.*

Mrs. Emminger said the City has hired an outside consultant but there is nothing new to present yet, so the applicant has asked that it be continued.

Chairman Finaldi asked if there was anyone to speak in favor of this and there was no one. He then asked if there was anyone to speak in opposition to this and again there was no one .

Mr. Urice made a motion to continue the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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Pamela Equities Corp. – Application for fourteen (14) lot subdivision (110.29 ac.) "Candlewood Pines" in the RA-80 Zone and Request for Waiver to Chap. 4, Section B.12. of the Subdivision Regulations – 65-67 Bear Mountain Rd. (#H03069) – Subdivision Code #08-01. This has received EIC approval. *Public hearing opened 5/21/08 – 35 days will be up 6/24/08.*

Chairman Finaldi said a 35 day extension has been received which brings us to second meeting in July. Attorney Paul Jaber said at last meeting there was talk about further subdivision being applied for and he wanted to address that. He showed them maps of the 149 acres owned by the applicant saying it wraps around Lake Candlewood. He mentioned that there is a conservation easement which really limits any further development. He said they will put a conservation easement with the Danbury Land Trust to assure them that it will remain open space. Mr. Urice and Mr. Manuel asked if they decided to do an onsite, can they just go out there and walk around.

Mrs. Emminger said all of the departments have responded so we are waiting for revised plans to be submitted. Steve Sullivan said they are in process of revising the plans and will address all of the City comments at the next meeting. He added that he would be happy to meet any of the Commission members at the property to do a site walk.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

Mr. Urice made a motion to continue the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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Joe Balskus, PE, Tighe & Bond, traffic engineer said they are doing a new traffic study and comparison to previous traffic volumes proved that the existing counts are actually lower than

what they used to approximate when they submitted the application. They expect to submit the new traffic study to City next week and do a presentation at the July 2 meeting. He said they are starting with much higher traffic volumes because they are using the ones from the Reserve. Mrs. Emminger then said during the meeting with Tighe & Bond, staff requested they also submit a comparison to show that the data they had used was correct. **(Exhibit E - traffic update)**

Attorney Jaber clarified that this site was approved in 2003 for a larger single story office building. He added that the site plan approval will expire in August, but the special exception approval does not expire.

Chairman Finaldi said before they call for opposition, they have several letters from opposition to be read into the record.

Ms. Hoffstaetter read Exhibit F.

F — Opposition letter from Nick Stamatellos, 9 Hall Passway

Chairman Finaldi read Exhibit G.

G — Opposition letter from Christiane Bagnato, 4 Driftway Rd.

Mr. Manuel read Exhibit H.

H — Opposition letter from Annemarie & Ed Satkowsky, 21 Lindencrest Dr.

Mr. Urice read Exhibit I.

I — Opposition letter from Lynda & Bob DeLuryea, 1 Maplecrest Dr.

Mrs. Emminger read Exhibit J.

J — Opposition letter from Jane & Tom Vonderlinn, 28 Wintergreen Hill.

Chairman Finaldi read Exhibit K.

K — Opposition letter from Robert & Kimberly Windas, 128 Aunt Hack Rd.

He then asked if there was anyone to speak in opposition to this application.

Gary Kurz & Shawn Deakin, from Rosy Tomorrows, first discussed the 2003 approval which was for 83,000 sq.ft. of office space consisting of 22 units of 4,000 sq.ft. each. Mr. Deakin said that would be different uses with different tenants who would be traveling in and out of the site at all different times. He compared it to this plan for a total development of 122,880 sq.ft., a 47% increase in square footage with three buildings of multiple heights. The three building would be a two story office building, a 220-seat restaurant (which would be the largest on Mill Plain Rd.) and a four story, 125 room hotel. He said the applicant's engineers are saying this is not much different but this is completely different from the previous plan. Regarding the traffic, the 2003 plan would have tenants coming and going all through the day. The new plan would have different busy times, office building in the morning and at the end of day, the restaurant would be busy from 4:30 PM to 7:30 PM. The hotel would be busy during check out and throughout the day for check in. He said he has been on this road everyday for the past seventeen years and since the last meeting, there have been seven days of gridlock traffic or at least 33% of the time. He said on Mill Plain Rd. from Trader Joes parking lot to the 7-11, tonight there was gridlock. The proposed traffic light on Prindle La. will not solve the traffic issue, it will just move the problem down the road. He presented more photos of this area taken on June 12th to June 13th at various times to demonstrate the countless hours of congestion. He said you cannot turn out of Old Ridgebury Rd. to go either left or right because the traffic backed up on Mill Plain Rd. is blocking the intersection. He suggested the Commission visit Mill Plain Rd. themselves to see the traffic. The Reserve is nowhere near done, but that will only increase the traffic. He referred

to a diagram prepared by Tighe & Bond for a traffic signal on Prindle La. Saying that the merge that they are proposing only pushes the problem further to the east. Mr. Deakin's photos were designated **Exhibit L**. Gary Kurz then spoke saying he has owned Rosy tomorrow's for 29 years and throughout that time has been looking at this intersection every day. At last meeting he was asked why he thought this new proposal would cause more traffic than the previous one. He said if you compare the 2003 plan to the office building at 100 Mill Plain Rd., you can see that it is not a major traffic problem, because it has many different businesses and two entrances. He said then look at the Residence Inn on Segar St., it has 78 rooms and then Chuck's restaurant has 250 seats. He said now envision this property having an office bldg, a hotel like the one on Segar St. and then a restaurant similar in size to Chuck's. He said that should give a good conception of what will happen; people will be driving around looking for the hotel and restaurant and both of them will need to do a certain amount of business to be profitable. That is why he thinks so much more traffic than what was previously approved. He mentioned the correspondence from Mr. Mohammed to Chief Baker which suggests that an alternate access/egress be provided. He also mentioned that the brook next to Rosy's swells during rain storms. Chairman Finaldi thanked him and Mr. Deakin for not repeating themselves

Orest Engelbrecht, 25 Westwood Dr., said traffic has gotten worse in nine years not better. He said you cannot make a turn onto Mill Plain Rd. They petitioned for a traffic light which was installed, but now it backs up traffic on either side of Mill Plain. He asked if 500 trips is a boiler plate number. Chairman Finaldi explained that is what makes this a special exception use and necessitates a public hearing. Mr. Engelbrecht said development is good for the City but not when it will make traffic even worse.

Jack Villodas, 49 Driftway Rd., questioned the need for another hotel. He said he has lived here for 38 years and seen it develop and the congestion on Mill Plain Rd. just gets worse and worse. He said if he can't get onto Mill Plain Rd, then he cannot go anywhere. He explained how Driftway Rd being used as shortcut to New Fairfield. He explained in detail how the traffic moves from Exit 2 to Mill Plain to Westwood to Driftway to Middle River to King St out to Rt. 39. He said his neighbor Mr. Murphy, 39 Driftway Rd. was unable to come this evening because he had to attend a funeral. Also Mrs. O'Neill, 54 Driftway Rd., Mr. & Mrs. George Kramer all will confirm their opposition in writing.

Christine Engelbrecht, 8 Quail Run Dr., said she totally agrees with Mr. Kurz and Mr. Deakin.

Jacqueline Taylor, 3 Canterbury Court, verified that everything that Mr. Kurz & Mr. Deakin said is true. She cited her experience watching the traffic backup saying it went as far as the eye could see on Mill Plain Rd. She said this is a serious concern because there is no alternate route if I-84 is backed up and once you get stuck on Mill Plain Rd., there really is no alternate. She said they have not talked about how much in excess of 500 trips they are talking about. Also they haven't talked about inclement weather, which is something that should be taken into consideration. She said she has never come to a meeting before, but felt so strongly about this that she had to be here.

Ron Gulla, 20 Joes Hill Rd. for 30 years, said he moved to west end because it was the ideal place to be. At that time, the biggest thing out there was Moffa's hot dog stand. It is not good, the two gentlemen are telling the truth. if you want to see traffic, go out there and look at it because it is backed up to NY State. The traffic light changes and no one can move because

traffic is bumper to bumper. He said sometimes he thinks about just parking his car and walking home. He suggested their traffic engineer come out there and look at it. He said he thinks that the City should put a freeze on development on Mill Plain Rd. until road is fixed so it can accommodate the traffic.

Laura Kilkenny, 1 Canterbury Court, said it took her so long to get home this evening. This road cannot accommodate any more traffic and until there is proof that the road can handle it, the Commission should say no. She said the Mill Plain Rd. traffic is exacerbated by the highway traffic, but it is bad on its own. She suggested they check it out for themselves.

Mitchell Prywes MD, 27 Tiffany Dr., said after listening to everyone, he is concerned for the elderly people, how would an ambulance get to them. He said it used to just be a problem on Friday, but now it is on a daily basis. He said he knows the Commission does not have an easy job and suggested they consider the impact this will have on the quality of life of the residents of this part of Danbury.

Marlene Davis, 17 Westwood Dr., said she is opposed to this project.

Peter Gibowicz, 19 Aunt Hack Rd., said he wanted to formally express his disapproval for this plan due to the already tremendous amount of traffic in this area.

Lucille Kocer, 28 Lindencrest Dr., said she agrees with everything that has been said. She works on Old Ridgebury Rd. and the gridlock here is worse than in Manhattan. She said one of the things she thinks about when she is stuck is that an ambulance would never be able to get through the traffic. She said this is more than just a NIMBY argument; development should be reasonable and over the past few years, Mill Plain Rd. has had some suspect development. Also, she asked how long will the construction take and what the roads will be like during that.

Joe Snow, 6 Lindencrest Dr, said he used to live in Brookfield, but was frustrated by traffic there. He sought out an area where the traffic was not so bad and that is why they chose this location. He said the traffic has now become excessive and asked that they consider all that they heard this evening.

Lucia O'Hara, 33 Wintergreen Hill, said she chose this area 27 years ago because of the traffic, but it backfired on her because it has gotten outrageous. She said the traffic light was supposed to help but it has not. Her 87 year old mother lives with her and she worries that an ambulance would never be able to get there in time. She said with the major road rage in society today, this needs to be addressed now before it gets any worse.

An unidentified man who said he lives at 46 Joes Hill Rd. reiterated the same thing as the previous speaker. He is concerned about traffic, the infrastructure and for emergency services.

Attorney Jaber said they will address traffic issues at July 2 meeting. He asked Joe Canas to address the ability to evacuate this area in event of flooding. Mr. Canas said they did this analysis as part of the engineering study and briefly explained how it would be handled.

Mr. Urice made a motion to continue the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

E.W. Batista Family LP – Application for Special Exception to allow Drive-thru/Fast Food Restaurant (“Dunkin Donuts”) generating in excess of 500 vehicle trips per day in the CG-20 Zone – 79 Federal Rd. (# L09019 & #L09029) – SE #668. *Public hearing closed 4/16/08 – 65 days will be up 6/19/08.*

Mrs. Emminger said an extension letter has been received from applicant. Mr. Urice made a motion to table this matter. Mr. Manuel seconded the motion and it was passed unanimously.

[illegible]

190 White St. LLC – Application for Special Exception to allow Day Care Center (“Hats Off to Kids Daycare”) in the CG-20 Zone – 190 White St./Rear (#J13004) – SE #672.

Mrs. Emminger distributed a draft resolution saying there are two outstanding issues which can be resolved by revised plans. Mr. Urice made a motion to approve this per the resolution. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

[illegible]

NEW BUSINESS:

Venancio Realty LLC – Application for Special Exception to allow Garden Apartments (“Lauren Square”) in the C-CBD Zone, 55 State St. (#I14424) – SE #674. *Public hearing scheduled for 8/6/08.*

Chairman Finaldi said this application would be on file in the Planning & Zoning Office.

[illegible]

REFERRALS:

8-3a Referral – Petition of Sanik Beverages LLC to Amend Secs. 6.A.2. & 6.B.2. of the Zoning Regulations. (Add Processing & Bottling of Non-Alcoholic Beverages as Permitted Uses in IL-40 and IG-80 Zones) *Zoning Commission public hearing scheduled for July 8, 2008.*

8-3a Referral – Petition of A & S Properties Inc. to Amend Secs. 2.B. & 5.E. of the Zoning Regulations. (Add “Mixed Use Building” to the CN-5 Zone as a Special Exception Use) *Zoning Commission public hearing scheduled for July 8, 2008.*

Mr. Urice made a motion to table the two 8-3a referrals. Mr. Manuel seconded the motion and it was passed unanimously.

[illegible]

At 10:50 PM, Mr. Urice made a motion to adjourn. Mr. Manuel seconded the motion and it was passed unanimously.